

ZB# 92-2

Kenneth Barbieri

59-6-6

ZB# 92-2

Kenneth Barbieri

59-6-6

Prelim.

2/10/92

Motion to Sched. P.H. -

Fees: ① 50.00
② 250.00.

Public Hearing:

March 9, 1992.

Need: ① Deed
② Title Report
③ Photos.

(Letters must be sent ^{3/24} before Feb. 29th.)

Area variance

Granted 3/9/92

Refund due \$68.50

Fail ck # ~~68~~
030160

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

12574

April 16
~~Feb 2~~ 1992

Received of Kenneth Barker \$ 50.00

Fifty 00 DOLLARS
100

For 3BA 92-2

DISTRIBUTION:

FUND	CODE	AMOUNT
CK # 0373		5000

By Pauline M. Townsend
Town Clerk
Title

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

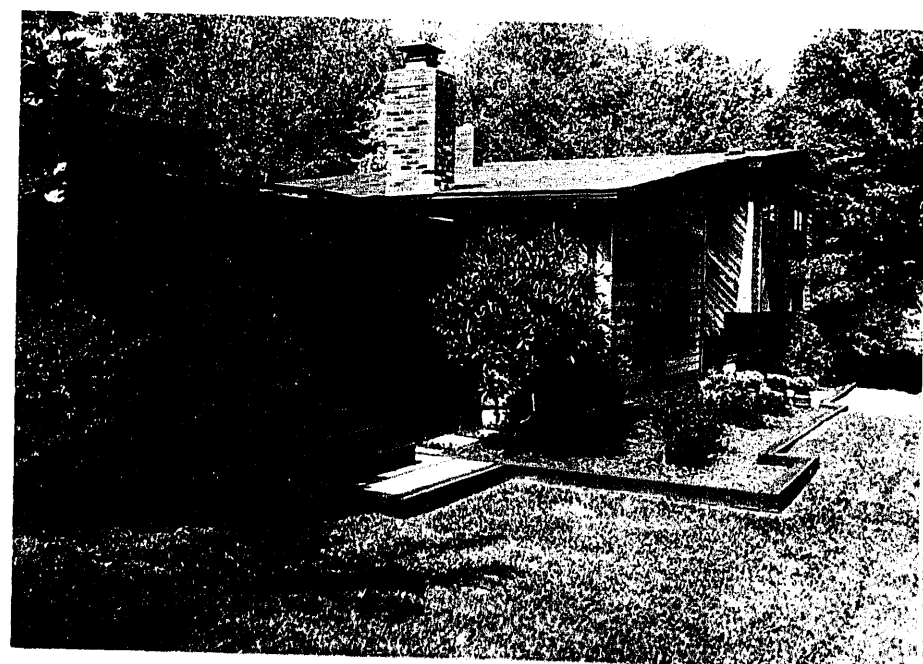
07-10 - Foy, Michael & Moore

CR#70 - Foy

CR#0373	5000

By Valerie R. [illegible]
Town Clerk
Title

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APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Barbieri, Kenneth

FILE # #92-2

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$ 50.00 paid

* * * * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 250.00 paid

2/21/92

DISBURSEMENTS -

STENOGRAPHER CHARGES:

PRELIMINARY MEETING - PER PAGE 2/10/92 - 4 pages . . . \$ 18.00
2ND PRELIM. MEETING - PER PAGE . . . \$
3RD PRELIM. MEETING - PER PAGE . . . \$
PUBLIC HEARING - PER PAGE 3/9/92 - 3 pages P.H. . . . \$ 13.50
TOTAL \$ 31.50

ATTORNEY'S FEES:

PRELIM. MEETING - <u>1.2</u>	HRS.	\$ <u> </u>
2ND PRELIM. P.H. <u>1.2</u>	HRS.	\$ <u> </u>
3RD PRELIM. <u> </u>	HRS.	\$ <u> </u>
FORMAL DECISION <u>1.6</u>	HRS.	\$ <u> </u>
TOTAL HRS. <u>1.0</u> @ \$ <u>150.00</u> PER HR. \$ <u>150.00</u>		
TOTAL \$ <u>150.00</u>		

MISC. CHARGES:

_____ \$
TOTAL \$ 181.50

LESS ESCROW DEPOSIT . . . \$ 250.00
(ADDL. CHARGES DUE) . . . \$
REFUND TO APPLICANT DUE . \$ 168.50

NEW WINDSOR ZONING BOARD OF APPEALS

-----X

In the Matter of the Application of

KENNETH BARBIERI,

DECISION GRANTING
AREA VARIANCE

#92-2.

-----X

WHEREAS, KENNETH BARBIERI, 53 Valley View Drive, New Windsor, N. Y. 12553, has made application before the Zoning Board of Appeals for a 14 ft. 1 in. front yard variance in order to obtain a certificate of compliance for an existing deck on his property located at the above address in an R-4 zone; and

WHEREAS, a public hearing was held on the 9th day of March, 1992 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant, KENNETH BARBIERI, appeared in behalf of himself and spoke in support of the application; and

WHEREAS, there were no spectators present at the public hearing; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to vary the provisions of the bulk regulations pertaining to front yard in order to obtain a certificate of compliance for an existing deck at his residence in an R-4 zone.

3. The evidence presented by applicant substantiated the fact that a variance for less than the allowable front yard would be required in order to allow the existing structure which otherwise would conform to the bulk regulations in the R-4 zone.

4. The evidence presented by the applicant indicated that the house pre-existed zoning, having been constructed in 1959 on a corner lot, thereby falling into the category of having two front yards.

5. The evidence presented by applicant indicated that when it came time to construct the deck (1986), he did not know that a building permit was necessary and the deck was constructed

without official notification to the Building Inspector. The deck was then added in the only practical location for a deck because applicant thought that the construction of the deck was on the side of the house, but in reality with two front yards, the deck location was in the front yard.

6. The evidence presented by the applicant indicated that the deck could not be located in the side yard because the existing driveway is there (and the applicant hopes to locate a two-car garage in that side yard in the future) and the area is rock because water drains off the lot towards this side yard which contains a drainage ditch. Although the applicant's plans for a two-car garage are not a determinative factor on this application. This constitutes some evidence of the applicant's land use plans and his utilization of the area of the lot within the constraints of lot size, house/deck/driveway layout and drainage.

7. The evidence presented by the applicant further indicated that the deck could not be located in the rear yard without a variance because the house itself (which is pre-existing and nonconforming) already is located in the required rear yard. Thus a deck in the rear yard would require a larger variance based on its entire depth plus the existing rear yard deficiency due to the placement of the house. Additionally, the rear yard already has the well located on it and is wet because it carries drainage across the lot.

8. The evidence presented on behalf of the applicant also indicated that he would suffer significant economic injury from the strict application of the bulk regulations to his lot because an addition which complies with the bulk regulations could not be constructed in the rear yard at all, and although it could be constructed in the side yard, it would be uneconomic to locate it there due to the cost of relocating the existing driveway (and possibly relocating the future garage to a free-standing site), and due to the cost of relocating the drainage on the lot. Such alternate location would cause additional construction expense (and possible additional future construction expense) without in any way contributing to the volume or utility of the addition to the property.

9. It is the finding of this Board that the applicant has made a sufficient showing of practical difficulty, entitling him to the requested area variance.

10. The requested variance is not substantial in relation to the bulk regulations, given the fact that the house itself was pre-existing non-conforming, is on a corner lot, and has two front yards.

11. The requested variance will not result in substantial detriment to adjoining properties nor change the character of the neighborhood.

12. The requested variance will produce no effect on the population density or governmental facilities.

13. There is no other feasible method available to applicant which can produce the necessary results other than the variance procedure.

14. The interest of justice would be served by allowing the granting of the requested variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 14 ft. 1 in. front yard variance to allow an existing deck to remain in one front yard of the above parcel in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: April 13, 1992.


Chairman

(ZBA DISK#8-053085.FD)

Date April 13, 1992

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Daniel S. Lucia, Esq. DR.

343 Temple Hill Road, New Windsor, N.Y. 12553

DATE			CLAIMED		ALLOWED	
Apr 13	92	Legal services, ZBA attorney				
		Re: Sciamanna #91-32	150	00	150	00
		Barbieri #92-2	150	00	150	00
		Aufiero/Babcock #92-3	360	00	360	00
		Totals	660	00	660	00
<i>Buchard Jensen, C.</i>						

[illegible]

PRELIMINARY HEARING: BARBIERI, KENNETH

MR. FENWICK: This is a request for 14 foot 1 inch front yard variance for existing wood deck on corner lot located at 53 Valley View Drive in an R-4 zone.

Mr. Kenneth Barbieri came before the Board representing this proposal.

MR. FENWICK: Tell us your problem.

MR. BARBIERI: Well, I just found out last Tuesday that the deck that we built six years ago is in violation. I spoke to Mike about it last Tuesday and he brought it to my attention.

MR. FENWICK: This is the Valley View at Beaver Dam?

MR. BABCOCK: Yes.

MR. BARBIERI: I guess it was. I thought the contractor had taken care of it all but apparently he did not.

MR. FENWICK: This is built in addition to the house or with the house at the same time the house built?

MR. BARBIERI: No, the house is 30 years old. This was built in 1986.

MR. FENWICK: Why are you before this Board, I mean what would cause this to be brought this up? Are you refinancing?

MR. BARBIERI: We are refinancing. I feel like I opened Pandora's box.

MR. FENWICK: You're not the only one. Why is this deck put where it is instead of someplace else? Obviously to the rear or to the side?

MR. BARBIERI: Basically, well all the other parts of the road we have well in the back which you couldn't really put a deck there. We were planning on the other side of the house to put a two car garage on the north side soon. We were trying to think ahead well this would be the best side to put it, the ground is solid,

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it's nice and dry over there. The other end of the lot, the north end, that's where all the water drains down so if I go that would be the best area.

MR. TANNER: You really don't have room to put a two car garage on the other side either unless this is out of scale.

MR. BARBIERI: Which map are you looking at? Well, yes, if you look at the survey here's the driveway, we were going to put a two car garage right over here, this is 70 feet from the house to the edge of the property and this driveway goes 35 feet over.

MR. TORLEY: That is a real side yard?

MR. BARBIERI: The deck is over here.

MR. LUCIA: Two front yards.

MR. BABCOCK: To put the deck on the opposite side of the house, it would be on his driveway in front of his garage. To put it in the back of the house which you would call typically the rear yard as you can see has 32 feet left. So, no matter where he puts it, it would require the variance, in my opinion.

MR. TORLEY: This clearly appears to be the least intrusive place to put it.

MR. FENWICK: So the 70 foot side you have a driveway there now, is that correct?

MR. BARBIERI: Yes.

MR. BABCOCK: Rich, do you have this?

MR. FENWICK: Yes.

MR. BARBIERI: The driveway at this point it goes 34 feet out.

MR. TORLEY: So it would be practical difficulty for you to put the deck on that side, you'd have to rip it off one side, rip out the driveway and put it in.

MR. FENWICK: Ripping out is not even coming before this Board, it's putting in. Why is the deck as big as

it is? Why did you have to have a deck that big?

MR. BARBIERI: We have a hot tub out there, some seating around it and we do barbecuing out there.

MR. FENWICK: This is not the front of your house, this is actually the side of your house.

MR. BARBIERI: I always thought that it was the side, yeah.

MR. FENWICK: Your front door is not where the deck is?

MR. BARBIERI: No, it faces, yeah, the front door is on the east side.

MR. FENWICK: Any other questions from the Members of the Board?

MR. TORLEY: I move to set him up for a public hearing.

MR. NUGENT: I'll second it.

ROLL CALL:

Mr. Torley	Aye
Mr. Nugent	Aye
Mr. Tanner	Aye
Mr. Konkol	Aye
Mr. Fenwick	Aye

MR. LUCIA: When you come back to the Board, the legal standard that this Board has in order to grant you the variance request is something called practical difficulty and in order to establish that, you must prove that by what is called significant economic injury, how it is that the strict application of the zoning ordinance causes you significant economic injury. You're already on the right track with your presentation tonight in terms of why you can't place it in other yards in terms of practical difficulties, you have water, interfering with the driveway, the rear if that also required a variance then it would not be a smaller variance than what you're seeking here. Also relevant is the fact that you wind up with two front yards simply because of the ordinance that says you have two front yards that front on two separate streets.

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so that is the character of proof you'll need to come back with when you come for the public hearing. I would also like to see a copy of the deed and the title policy or search, whatever you have if you bring that to the public hearing. The Board would also like to see some photographs, especially on the side that involves the deck and that should cover it. Fees when you submit your application you have to bring back two checks, one for \$50 which is an application fee. You have to bring a second check one payable to the Town of New Windsor for the \$250 which is a deposit against town consultant fees, publication.

MR. BARBIERI: Okay, thank you, gentleman.

Date 3/16/92, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12550

TO Frances Roth 389 Moores Hill Rd DR.
New Windsor NY 12553

DATE			CLAIMED	ALLOWED
3/9/92		Zoning Board Meeting	75 00	
		Miscellaneous - 2 pgs	9 00	
		De. Dominicus 10 pgs	45 00	
		Valentine 11 pgs	49 50	
		Sciamaunna 3 pgs	13 50	
		Barbieri 3 pgs P.H.	13 50	
		Outfield Babcock 19 pgs	85 50	
			<hr/>	
			241 00	

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~~BARBIERI, KENNETH~~

Public Hearing

MR. FENWICK: Request for 14 ft. 1 in. front yard variance for existing deck located at 53 Valley View Drive in an R-4 zone.

Mr. Kenneth Barbieri came before the board representing this proposal.

MR. FENWICK: Anyone here in reference to the Barbieri case?

MR. BARBIERI: I have pictures and title report.

MR. FENWICK: This is Valley View Drive that's out by Beaver Dam, correct?

MR. BARBIERI: Correct.

MR. FENWICK: You want to proceed with why you need a variance?

MR. BARBIERI: Well I stated in the last meeting I didn't realize that we were too close to the property marker, in fact we we're 14 feet too close so that's the reason I'm applying for it. That's really the only other place.

MR. FENWICK: You're also on a corner lot?

MR. BARBIERI: Yes, we are.

MR. FENWICK: He was also in the category of having two front yards.

MR. BABCOCK: Yes.

MR. NUGENT: And his deck is in one of them.

MR. FENWICK: What you consider the side of the house.

MR. BARBIERI: I always thought it was.

MR. BABCOCK: Did we inspect that yet?

MR. BARBIERI: No, you didn't.

MR. LUCIA: Thank you for your deed and title policy. I see that it refers to certain covenants and

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restrictions which are not completely spelled out, to your knowledge, is there anything contained in those covenants, restrictions or easements which would prevent you from using the property the way you now seek to use it, if this board grants you a variance?

MR. BARBIERI: No, I don't think so.

MR. FENWICK: When you initially built this you did not have a building permit for it?

MR. BARBIERI: I thought the contractor applied for it but apparently not so when I came out what the heck we were refinancing and through all the red tape, turns up we didn't have one so found out through Mike.

MR. LUCIA: How long ago was the deck added?

MR. BARBIERI: Six years ago.

MR. LUCIA: How old is the house itself?

MR. BARBIERI: House was built in 1959.

MR. LUCIA: Just for the record, the rear yard shown on the application is 32 feet, 40 feet is required but based on Mr. Barbieri indicates the age of the house that's apparently pre-existing non-conforming. He's also on the one side got 70, we can count this as a side and that as a rear.

MR. LUCIA: Thank you. If you would once again please explain to the board why it is you could not locate the deck somewhere else that either would not require a variance at all or would require a smaller variance.

MR. BARBIERI: Well, if you look on the map over here we were planning to put a two car garage on this side of the house and then if we put that, there's no other place for a deck.

MR. LUCIA: That's if you use the existing driveway to get into the garage.

MR. BARBIERI: Yes the garage would be over here. And there's no room in the back yard so that really was the best spot as far as coming right off the house and it's very dry over there whereas this part of the yard it gets wet all across the back here there's a ditch for

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drainage and it kind of flows out this way down into another ditch going along this side of the property.

MR. LUCIA: Just for the record, when you say you couldn't put it in the back that's the dimension that's indicated as 27 feet on the map, is that correct?

MR. BARBIERI: Yes.

MR. LUCIA: And if you were to locate it there it would still require a variance, is that correct?

MR. BABCOCK: Yes.

MR. BARBIERI: Yes.

MR. LUCIA: And that's the side over the house that you indicated was wet as well as the side where the driveway is, is that correct?

MR. BARBIERI: Yes.

MR. LUCIA: The last time you were here you mentioned something about the well location.

MR. BARBIERI: The well is right in the back yard right in the center.

MR. LUCIA: That's the 32 feet indicated on the map?

MR. BARBIERI: Yes.

MR. LUCIA: Here is your deed and title policy, thank you sir.

MR. FENWICK: Anyone in the audience that would like to speak to the matter of Barbieri? At this time I close the public hearing to the public and open it back up to the members of the board. Any comments? I if not can I have a motion to grant the variance?

MR. TANNER: So moved.

MR. TORLEY: I'll second it.

ROLL CALL:

MR. TORLEY	AYE
MR. KONKOL	AYE
" TANNER	AYE
" NUGENT	AYE
" FENWICK	AYE

5 Ayes

Pls. publish immediately. Send bill to Applicant at below address.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following proposition:

Appeal No. 2

Request of Kenneth Barbieri

for a VARIANCE of

the regulations of the Zoning Local Law to

permit an existing deck w/

insufficient front yard;

being a VARIANCE of

Section 48-12 - Table of Use/Bulk Regs. - Col. E.

for property situated as follows:

53 Valley View Drive, New Windsor,

N.Y. known & designated as tax

map Section 59 - Blk. 6 - Lot 6.

SAID HEARING will take place on the 9th day of

March, 1992, at the New Windsor Town Hall,

555 Union Avenue, New Windsor, N. Y. beginning at

7:30 o'clock P. M.

Richard Fenwick
Chairman

By: Patricia A. Barnhart, Secy.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Prelim.

DATE: 2-5-92

2/10/92.

APPLICANT: KENNETH BARBIERI - 496-7730

92-2.

53 VALLEY VIEW DR

~~(X) 1201 WINDSOR 1/4 12577~~

SALISBURY MILLS 12577.

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 2-5-92

FOR (BUILDING PERMIT) NONE

LOCATED AT 53 VALLEY VIEW DR

ZONE R-4

DESCRIPTION OF EXISTING SITE: SEC: 59 BLOCK: C LOT: 6

ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS: (existing) INSUFFICIENT FRONT

YARD SET-BACK OF WOOD DECK, CORNER LOT

Frank Jisi
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE R-4 USE 48-14 (2) R		
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD 35'	20'-11"	14'-1"
REQ'D SIDE YD.		
REQ'D TOTAL SIDE YD.		
REQ'D REAR YD.		
REQ'D FRONTAGE		
MAX. BLDG. HT.		
FLOOR AREA RATIO		
MIN. LIVABLE AREA		

~~(1/20/14) 1/11/12577~~

SALISBURY MILLS 12577

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 2-5-92
FOR (BUILDING PERMIT) NONE
LOCATED AT 53 VALLEY VIEW DR

ZONE R-4

DESCRIPTION OF EXISTING SITE: SEC: 59 BLOCK: 6 LOT: 6
ONE FAMILY HOUSE

(existing)
IS DISAPPROVED ON THE FOLLOWING GROUNDS: INSUFFICIENT FRONT
YARD SET-BACK OF WOOD DECK, CORNER LOT

Frank Jasi
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE <u>R-4</u> USE <u>48-14(2)R</u>		
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD	<u>35'</u>	<u>20'-11"</u>
REQ'D SIDE YD.		<u>14'-1"</u>
REQ'D TOTAL SIDE YD.		
REQ'D REAR YD.		
REQ'D FRONTAGE		
MAX. BLDG. HT.		
FLOOR AREA RATIO		
MIN. LIVABLE AREA		
DEV. COVERAGE		

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
[REDACTED] TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

114) 363-4630

CC: L.B.A., APPLICANT, B.P. FILE

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises KENNETH M. JUANITA A. BARBIERI
Address 53 VALLEY VIEW DR. Phone 496-7730
Name of Architect SALISBURY MILLS, N.Y. 12577
Address _____ Phone _____
Name of Contractor REMODELING PLUS - DON
Address 99 POINTER TRAIL Phone 496-7285
MONROE, N.Y. 10950
State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER
If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the WEST side of VALLEY VIEW DR.
(N.S.E. or W.)
and _____ feet from the intersection of _____
2. Zone or use district in which premises are situated _____ Is property a flood zone? Yes _____ No _____
3. Tax Map description of property: Section 59 Block 6 Lot 6
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy _____ b. Intended use and occupancy _____
5. Nature of work (check which applicable): New Building _____ Addition _____ Alteration _____ Repair _____
Removal _____ Demolition _____ Other 20 x 20 EXISTING wood DECK
6. Size of lot: Front Rear _____ Depth _____ Front Yard _____ Rear Yard _____ Side Yard _____
Is this a corner lot? yes
7. Dimensions of entire new construction: Front _____ Rear _____ Depth _____ Height _____ Number of stories _____
8. If dwelling, number of dwelling units _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____
Heating Plant: Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____
If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

IF INSPECTIONS, IT HAS NOT BEEN APPROVED AND THIS PERMIT IS
AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
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13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises KENNETH M. JUANITA A. BARBIERI
Address 53 VALLEY VIEW DR. Phone 496-7730
Name of Architect SALISBURY MILLS, N.Y. 12577
Address _____ Phone _____
Name of Contractor REMODELING PLUS - DON
Address 99 POINTER TRAIL Phone 496-7285
MONROE, N.Y. 10950
State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER
If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the WEST side of VALLEY VIEW DR.
(N.S.E. or W.)
and _____ feet from the intersection of _____
2. Zone or use district in which premises are situated _____ Is property a flood zone? Yes _____ No _____
3. Tax Map description of property: Section 59 Block 6 Lot 6
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy _____ b. Intended use and occupancy _____
5. Nature of work (check which applicable): New Building _____ Addition _____ Alteration _____ Repair _____
Removal _____ Demolition _____ Other 20 x 20 EXISTING wood deck
6. Size of lot: Front Rear _____ Depth _____ Front Yard _____ Rear Yard _____ Side Yard _____
Is this a corner lot? yes
7. Dimensions of entire new construction: Front _____ Rear _____ Depth _____ Height _____ Number of stories _____
8. If dwelling, number of dwelling units _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____
Heating Plant: Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____
If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost _____ Fee _____
(to be paid on this application)
11. School District _____

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
 Approved.....19.....
 Disapproved a/c.....
 Permit No.

Office Of Building Inspector
 Michael L. Babcock
 Town Hall, 555 Union Avenue
 New Windsor, New York 12550
 Telephone 565-8807

Refer -
 Planning Board.....
 Highway.....
 Sewer.....
 Water.....
 Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

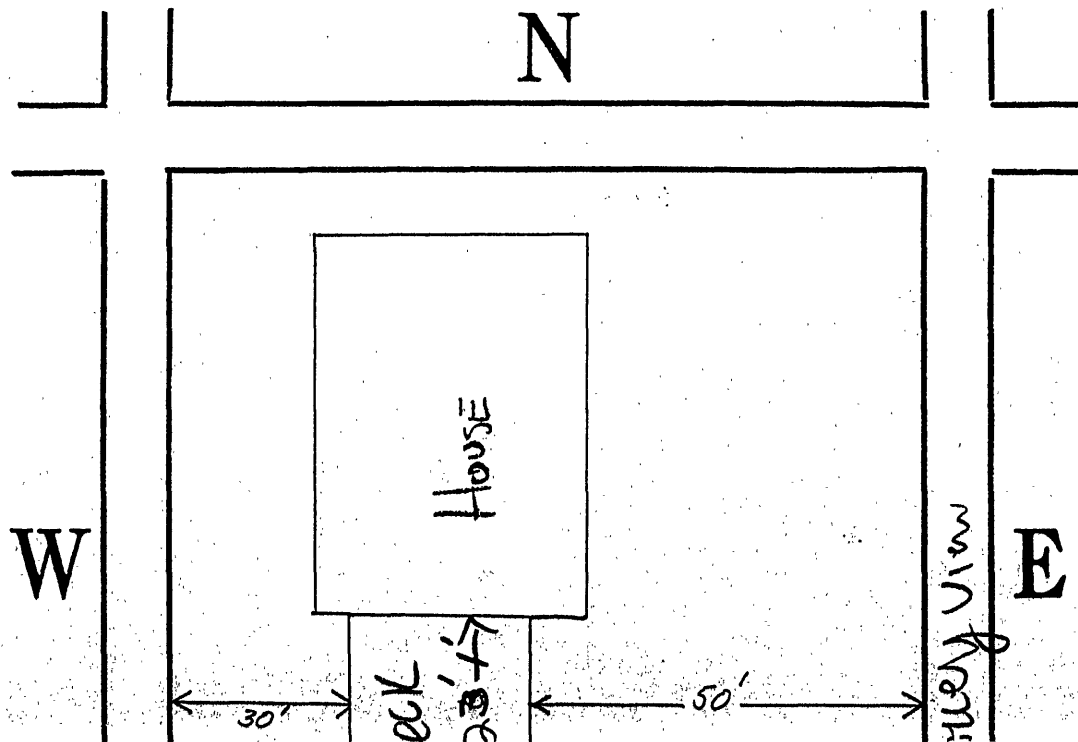
Bennett M. Paulucci
 (Signature of Applicant)

(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

Date.....19.....

INSTRUCTIONS

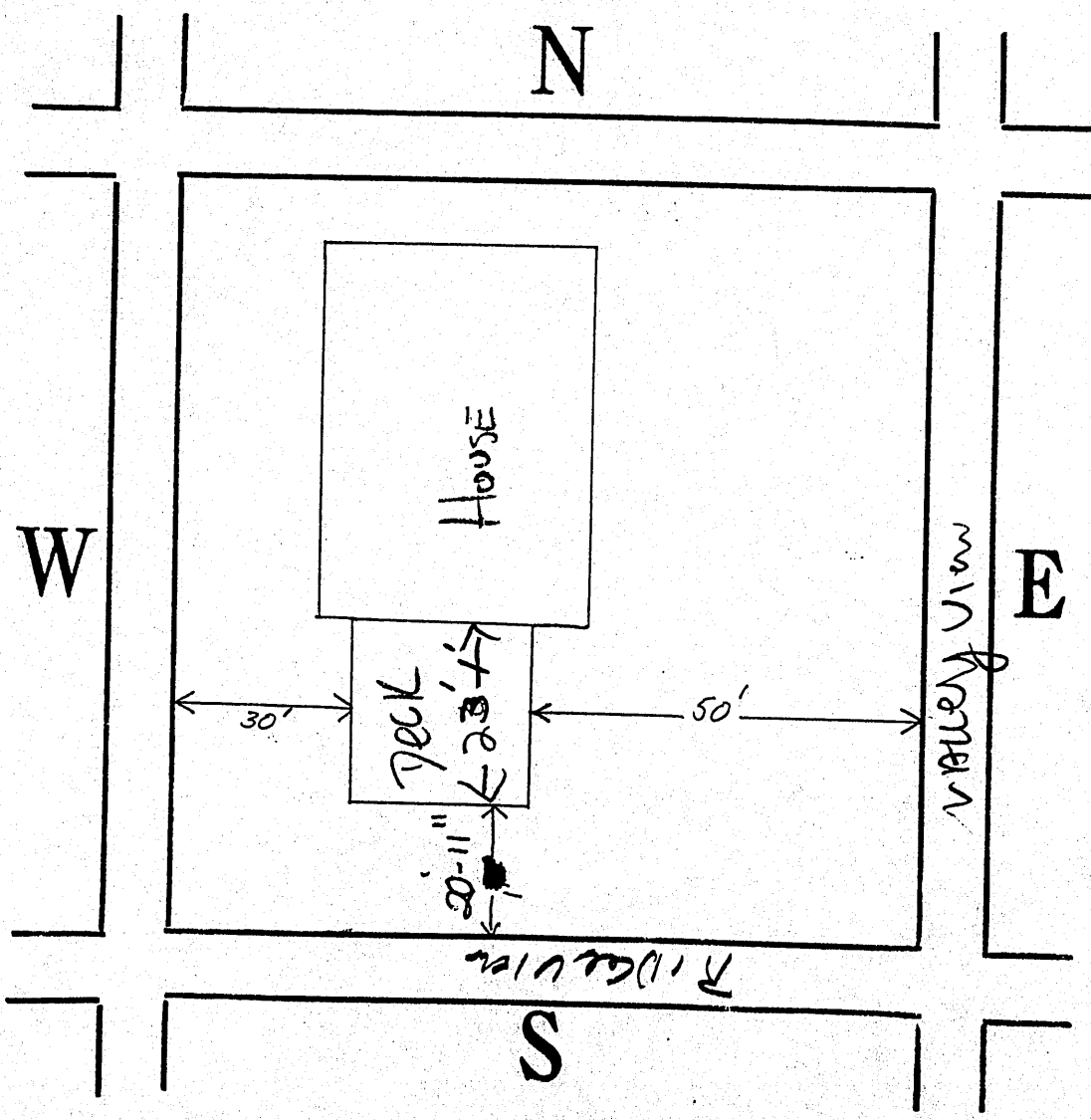
- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
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.....*Benneth M. Paulucci*.....
(Signature of Applicant) (Address of Applicant)

PLOT PLAN

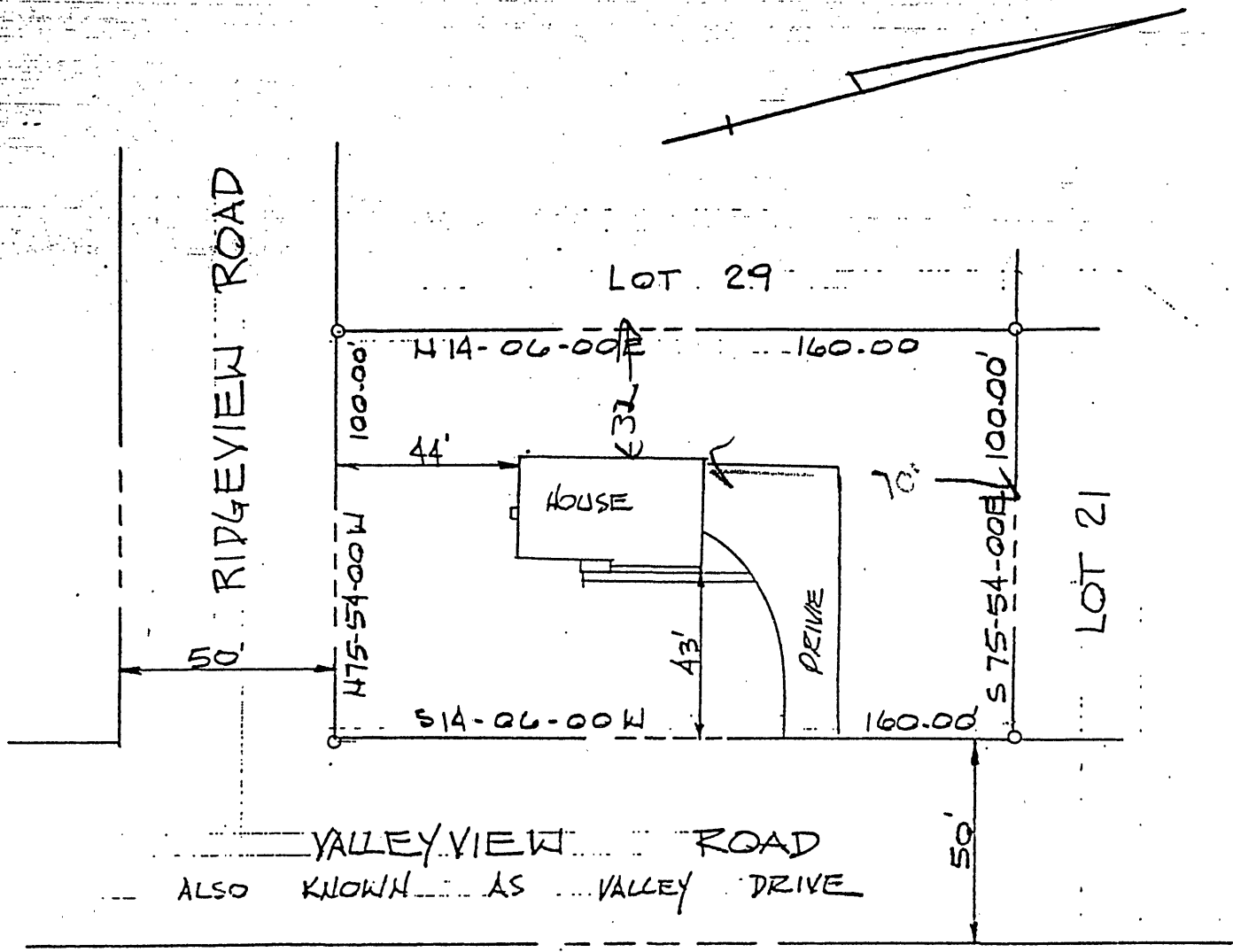
NOTE: Locate all buildings and indicate all set-back dimensions.
Applicant must indicate the building line or lines clearly and distinctly on the drawings.



WINDSOR HILLS SUBDIVISION
TOWN OF NEW WINDSOR, ORANGE COUNTY, N.Y.
SCALE: 1" = 40'
SEPT. 26, 1979
REV. OCT. 12, 1979

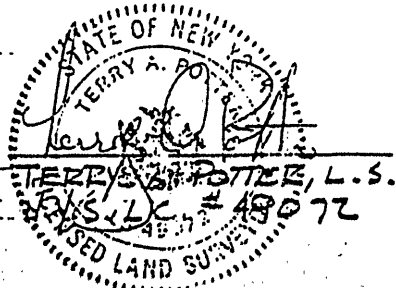
TITLE # F-682-1

NOTE: MAP OF WINDSOR HILLS, SALISBURY MILLS, IS ON FILE IN THE ORANGE COUNTY CLERK'S OFFICE.



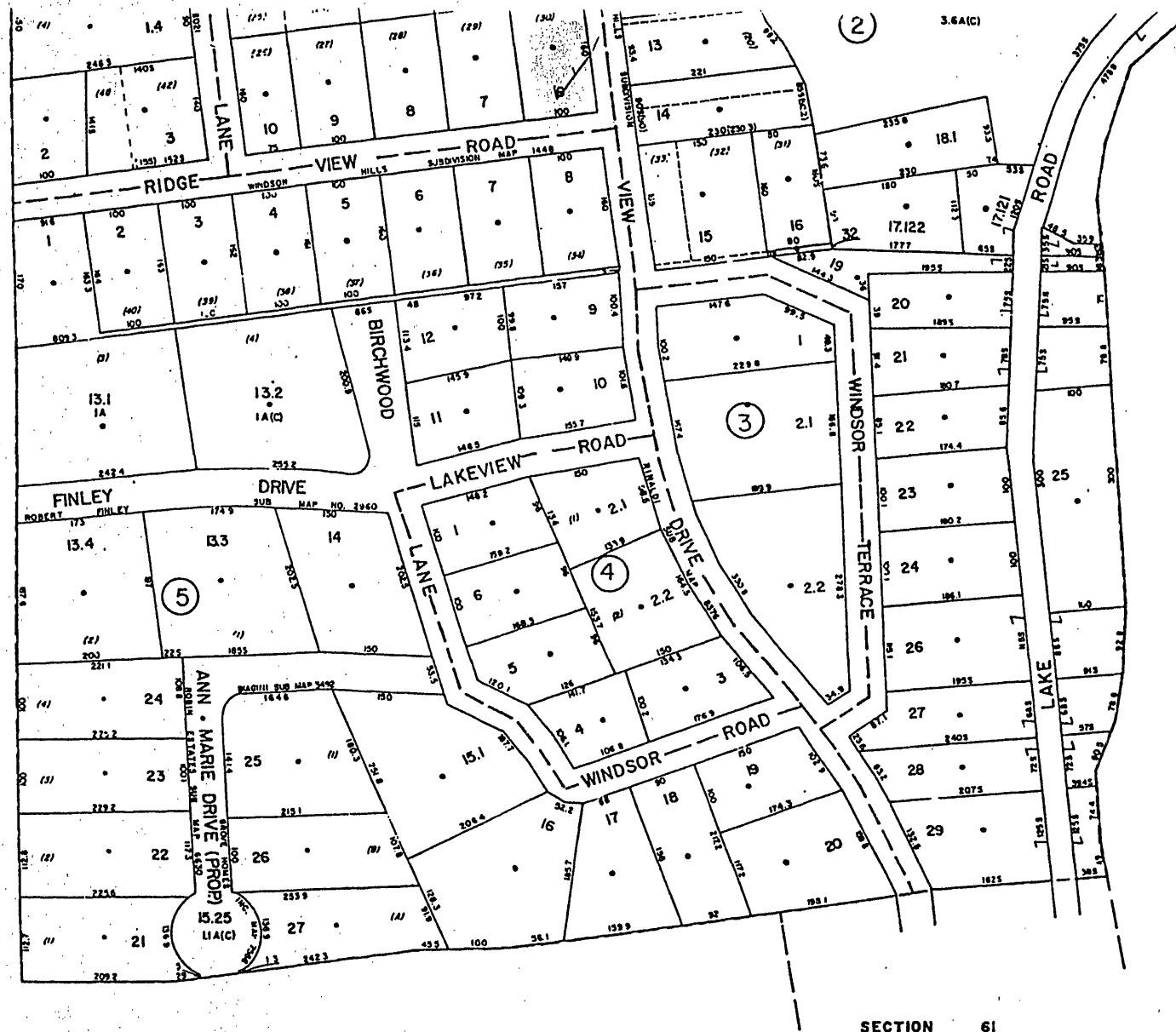
SEPT. 26, 1979

CERTIFIED TO KENNETH M. & JUANITA A. BARBIERI,
MID-ISLAND EQUITY CORP., AND CHICAGO TITLE INS. CO.,
TO BE A TRUE AND ACCURATE SURVEY AND THAT
NO ENCROACHMENTS OR ZONING VIOLATIONS EXIST.



ERIKSON & SILBER, F
SOUTH STREET & 17th

SECTION 57



SECTION 57

SECTION 61

Prepared by
AERO SERVICE
C O A R C H E T C O
400 WEST 25 STREET, NEW YORK 10011
FOR TAX PURPOSES ONLY
NOT TO BE USED FOR CONVEYANCE

LEGEND			
STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO. 32	FILED PLAN BLOCK NO. 32
CITY/TOWN OR VILLAGE	EASEMENT LINE	TAX MAP PARCEL NO.	FILED PLAN LOT NO.
BLOCK & SECTION LINE	MATCH LINE	AREAS	STATE HIGHWAYS
SPECIAL DISTRICT LINE	STREETS	DIMENSIONS	COUNTY HIGHWAYS
PROPERTY LINE			TOWN ROADS

ORANGE COUNTY-NEW YORK

Photo No. 7-344,345 8-497,498 Date of Map 9-24-67
Date of Photo 9-1-66 Date of Revision 3-1-68

INDICATES MAP PAGE BOUNDARY

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

-----X
In the Matter of Application for Variance of

Kenneth Barbieri,

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

#92-2
-----X

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age
and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On February 21, 1992, I compared the 47 addressed
envelopes containing the attached Notice of Public Hearing with
the certified list provided by the Assessor regarding the above
application for variance and I find that the addressees are
identical to the list received. I then mailed the envelopes in a
U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
21st day of February, 1991.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1993

(TA DOCDISK#7-030586.AOS)

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

92-2

Date: 2/20/92

(914) 496-7730

I. Applicant Information:

- (a) KENNETH M. BARBIERI 53 VALLEY VIEW DR. SALISBURY MILLS, N.Y. 12577
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. Property Information:

- (a) R-4 53 Valley View Dr., Salisbury Mills 59-6-6 160 x 100
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? N/A
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 9-79
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: N/A
- _____

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____

N/A.
 (b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. E.

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd. <u>35'</u>	<u>20' - 11"</u>	<u>14' - 1"</u>
Reqd. Side Yd.		
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* <u> </u> %	<u> </u> %	<u> </u> %
Floor Area Ratio**		
Parking Area		

* Residential Districts only

** No-residential districts only

(b) The legal standard for an "area" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you may have made to alleviate the difficulty other than this application.

It would be too costly to take apart the deck and rebuild it somewhere else on the property. As stated in the preliminary meeting that red clay is the best place for it because of drainage and also we were planning ahead to build a two car garage on the north side.

VI. Sign Variance: N/A.

(a) Variance requested from New Windsor Zoning Local Law, Section , Table of Regs., Col. .

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size

signs.

_____.
(c) ^{N/A} What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. ^{N/A}

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

I think the deck and shrubbery upgrade the property. We maintain all grounds to the best of our ability and in no way is an eyesore in the neighborhood.

IX. Attachments required:

- ✓ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
✓ Copy of tax map showing adjacent properties.
N/A Copy of contract of sale, lease or franchise agreement.
_____ Copy of deed and title policy.
✓ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
N/A Copy(ies) of sign(s) with dimensions and location.
_____ Check in the amount of \$~~50.00~~^{250.00} payable to TOWN OF NEW WINDSOR.
_____ Photographs of existing premises which show all present

X. Affidavit.

Date: 2/20/92

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Kenneth M. Barbieri
(Applicant)

Sworn to before me this

20th day of February, 1992.
Patricia A. Barbieri

XI. ZBA Action:

PATRICIA A. BARBIERI
Notary Public, New York
Quinn County
Commission Expires August 31, 1993.

(a) Public Hearing date: _____.

(b) Variance: Granted ☐ Denied ☐

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

47

February 18, 1992

Kenneth Barbieri
53 Valley View Dr.
New Windsor, NY 12553

Re: Variance List 500 ft./ 59-6-6

Dear Mr. Barbieri:

According to our records, the attached list of property owners are within five hundred (500) ft. of the above referenced property.

The charge for this service is \$65.00, minus your deposit of \$25.00. Please remit balance of \$40.00 to the Town Clerk's Office.

Sincerely,

L. Cook

LESLIE COOK
Sole Assessor

LC/cad
Attachment
cc: Pat Barnhart

Park Road Construction Corp.
P.O. Box 286
Salisbury Mills, NY 12577

Briody, Thomas E. & Sonia B.
P.O. Box 129
Salisbury Mills, NY 12577

Hirsch, Mayer
6 Hayes Ct.
Monroe, NY 10590

Risolio, Vincent & Josephine
P.O. Box 353
Salisbury Mills, NY 12577

Filippini, Raymond & Annette Risolio
P.O. Box 187
Salisbury Mills, NY 12577

Clayton, Sally W.
30 Hillcrest Dr.
Salisbury Mills, NY 12577

Mahoney, Michael J. & Elizabeth A.
142 South Little Tor. Rd.
New City, NY 10956

Bow, David & Eileen
5 Winslow Park Rd.
Kingston, NY 03848

Youmans, William H. & Ellen M.
3 Forest Lane
Salisbury Mills, NY 12577

Ferraioli, Gilda
1 Forest Lane
Salisbury Mills, NY 12577

Rodriguez, Emilio
28 Hillcrest Dr.
Salisbury Mills, NY 12577

Burke, Daniel J. & Kathleen M.
26 Hillcrest Dr.
Salisbury Mills, NY 12577

Dio Guardia, Peter
2282 Arthur Ave.
Bronx, NY 10458

State of NY Off Of
Mental Retardation & Dev
Dis Letchworth Dev
Ofc Of Comptroller
Gov A Smith Bldg.
Albany, NY 12236

Scheiper, Robert
16 Hillcrest Dr.
Salisbury Mills, NY 12577

Adams, William P.
14 Hillcrest Dr.
Salisbury Mills, NY 12577

Obermeier, Margarete F.
12 Hillcrest Dr.
Salisbury Mills, NY 12577

Pearson, John & Elsie
9 Hillcrest Dr.
Salisbury Mills, NY 12577

Conley, Albert N. & Mary Jane
13 Hillcrest Dr.
Salisbury Mills, NY 12577

Capone, Joseph R. & Annette M.
15 Hillcrest Dr.
Salisbury Mills, NY 12577

Kitchen, Paul M. & Alida J.
17 Hillcrest Dr.
Salisbury Mills, NY 12577

Di Maggio, Dominick P. & Dorothy
21 Hillcrest Dr.
Salisbury Mills, NY 12577

Hagerth, Rita F.
P.O. Box 151
Salisbury Mills, NY 12577

Walters, William A. & Janet L.
50 Valley View Dr.
Salisbury Mills, NY 12577

Shand, Leo S. & Maureen A.
48 Valley View Dr.
Salisbury Mills, NY 12577

Lunn, George J. & Paula W.
122 Windsor Terrace
Salisbury Mills, NY 12577

Madden, James A. Jr. & Marguerite O.
118 Windsor Terrace
Salisbury Mills, NY 12577

O'Brien, Mary
111 Briny Ave. Apt. 2614
Pompano Beach, Fla. 33062

Haight, Robert R.
P.O. Box 27
Salisbury Mills, NY 12577

Goodrich, Paul S. & Donna M.
112 Windsor Terrace
Salisbury Mills, NY 12577

Strakosch, Clarence P. & Mary E.
15 Hickory Hill Rd.
Tappan, NY 10983

Blauth, George D. Sr.
121 Windsor Terrace
Salisbury Mills, NY 12577

Delgado, Stephen H. & Bertha
36 Valley View Dr.
Salisbury Mills, NY 12577

Gisselbrecht, George L. Jr. & Mary Jane
8 Birchwood Lane
Salisbury Mills, NY 12577

Shepard, Edwin L. & Ann Saweikis - Shepard
141 Valley View Dr.
Salisbury Mills, NY 12577

Rhein, Danny & Janine
P.O. Box 149
Salisbury Mills, NY 12577

Araneo, Vincent A.
15 Ridgeview Rd.
Salisbury Mills, NY 12577

Travers, Mark & Anne M.
11 Ridgeview Rd.
Salisbury Mills, NY 12577

Meehan, James F. & Suzane
9 Ridgeview Rd.
Salisbury Mills, NY 12577

D'Jovin, Robert & Bonnie
7 Ridgeview Rd.
Salisbury Mills, NY 12577

Halinan, Michael J. & Mary Alice
5 Ridgeview Rd.
Salisbury Mills, NY 12577

Miserendino, Bennie & Mary
49 Valley View Dr.
Salisbury Mills, NY 12577

Olsen, Jerry & Linda
45 Valley View Dr.
Salisbury Mills, NY 12577

Racette, Eugene L. & Florence P.
43 Valley View Dr.
Salisbury Mills, NY 12577

Toole, Vera M. & Charles F.
RD 1 Lakeview Rd.
Salisbury Mills, NY 12577

Gisselbrecht, Mary Jane
RD 1 Birchwood Lane
Salisbury Mills, NY 12577

Thornton, Philip E. & Melanie
4 Finley Dr.
Salisbury Mills, NY 12577